



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 31, 1998

Mr. Todd Ward
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
Municipal Building
Dallas, Texas 75201

OR98-0861

Dear Mr. Ward:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114763.

The Dallas Police Department (the "department") received a request for portions of the department's operations and procedures manual that concerns high-speed pursuits of fleeing motorists. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(b) excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" When section 552.108(b) is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how releasing the information would interfere with law enforcement. Open Records Decision No. 434 (1986) at 3. Whether disclosure of particular records will interfere with crime prevention must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981). You state that

[n]ot only would release of this type of information unduly interfere with crime enforcement, prevention and detection but it could endanger the lives of officers who rely on the secrecy of their tactics and techniques in apprehending suspects. The documents in question are for internal use to provide technical assistance to [department] members. If a suspect knows exactly what an officer is going to do,

it will obviously assist that suspect in evading arrest and or injuring the officers.

After reviewing the submitted material, we agree that a large portion may be withheld from disclosure under section 552.108(b)(1) because its release would interfere with law enforcement or prosecution. We have marked the information which the department may withhold.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/glg

Ref.: ID# 114763

Enclosures: Submitted documents

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(w/o enclosures)